

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

R6-14-14-I Small Business and Brownfields Liability Clarifications

1. AUTHORITY.

- a. To exercise authority pursuant to Section 107(o)(2)(A) (regarding exceptions to the de micromis exemption) and Section 107(p)(2) (regarding exceptions to the municipal solid waste exemption).
- b. To exercise authority pursuant to Section 107(q)(3) (regarding issuance of no action assurances and grants of protection against a cost recovery or contribution action under Section 113(f) to contiguous property owners).
- c. To exercise authority pursuant to Section 107(r) (regarding agreements to obtain a lien on other property or to obtain other satisfactory assurance of payment for unrecovered response costs regarding the prospective purchaser exemption).
- d. To exercise authorities pursuant to Sections 107(o)-(r) other than those specified in paragraphs 1.a. through 1.c.

2. TO WHOM DELEGATED. This authority is delegated to the Superfund Division Director.

3. LIMITATIONS.

- a. The Superfund Division Director must obtain the concurrence of the Regional Counsel or the Regional Counsel's designee prior to exercising the authority described in paragraph 1.
- b. The Superfund Division Director must exercise the authorities in paragraph 1.a. in consultation with the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee. The Assistant Administrator for Enforcement and Compliance Assurance or his/her designee may waive, in whole or in part, any of these limitations by memorandum.
- c. When the Superfund Division Director exercises the authority in paragraph 1.a. regarding natural resource restoration, the Superfund Division Director must consult with the federal natural resource trustee.
- d. The Superfund Division Director must obtain the concurrence of the Assistant

Administrator for Enforcement and Compliance Assurance or his/her designee prior to exercising the authority in paragraph 1.b. The Assistant Administrator for Enforcement and Compliance Assurance or his/her designee may waive, in whole or in part, this limitation by memorandum.

- e. The Superfund Division Director must exercise the authority in paragraph 1.c. in consultation with the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee. The Assistant Administrator for Enforcement and Compliance Assurance or his/her designee may waive, in whole or in part, this limitation by memorandum.

4. REDELEGATION AUTHORITY. The authorities may not be redelegated further.

5. ADDITIONAL REFERENCES.

- a. Section 107 of CERCLA.
- b. Section 102, 221 and 222 of the Small Business Liability Relief and Brownfields Revitalization Act.
- c. EPA Delegation 14-26, Federal Lien.
- d. EPA Delegation 14-42, Concurrence in the Exercise of Authority under CERCLA Sections 106(a) and 122 by the Secretaries of Interior, Commerce, Agriculture, Defense and Energy.
- e. Executive Order 13308, June 20, 2003.

Delegation of Authority from the
Regional Administrator